



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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February 13, 2023

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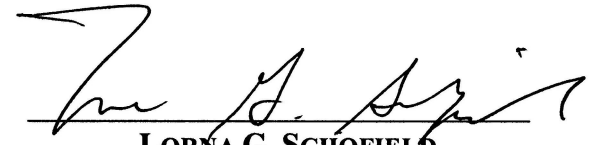
By ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Application **granted in part**. The deadline for **all** Defendants to answer or otherwise respond to the Complaint is extended, *nunc pro tunc*, to **March 21, 2023**. The initial pretrial conference scheduled for March 1, 2023, is adjourned to **March 8, 2023, at 4:00 P.M.** At that time, the parties shall call 888-363-4749 and use the access code 558-3333. The deadline for the parties to file the joint letter and proposed civil case management plan and scheduling order is extended to **March 1, 2023, at 12:00 P.M.**

Dated: February 15, 2023
New York, New York

Re: Ali Moore v. City of New York, et al.
22-CV-10957 (LGS)


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for defendant the City of New York in the above-referenced action. The City writes, on consent of all respective parties, to respectfully request (1) a 60-day enlargement of its time, *nunc pro tunc*, from February 2, 2023, until April 3, 2023, to respond to the complaint, and (2) an adjournment of the initial conference scheduled for March 1, 2023. This is the City's first request for an enlargement of time to respond to the complaint and for an adjournment of the initial conference.¹

Plaintiff filed the complaint in this action on December 29, 2022, alleging, *inter alia*, that on October 1 and October 5, 2021, unidentified members of the NYPD and FDNY EMS subjected him to unlawful seizure under New York's Mental Hygiene Law, each time in response to 911 calls. Plaintiff also alleges municipal liability against the City, New York City Health and Hospitals ("NYCH+H"), and Harlem Hospital.

Before the City can answer, move, or otherwise respond to the complaint, in accordance with this Office's obligations under Rule 11 of the Federal Rules of Civil Procedure, this Office needs time to investigate the complaint's allegations to prepare its response. According to the allegations in the complaint regarding plaintiff's transport to Harlem Hospital for psychiatric evaluation under the Mental Hygiene Law, it appears that the City will need to obtain signed HIPAA releases from plaintiff before it can review records of plaintiff's medical evaluation and/or treatment. To that end, on February 7, 2023, this Office mailed plaintiff a request for said

¹ The City apologizes for the timing of this request, as the undersigned was just assigned to this case last week.

releases. The requested extension will allow time for the City to obtain the relevant medical records after plaintiff signs and returns the requested releases.

Additionally, the Court has scheduled the initial conference in this matter for March 1, 2023, at 4:00 p.m. See Scheduling Order, dated January 9, 2023, ECF No. 5. Unfortunately, the City's counsel has a scheduling conflict with that date, as the undersigned has a trial in another matter pending in this District—*Perez v. Edwards, et al.*, Civil Docket No. 20-CV-1359 (LJL)—that is scheduled to begin on February 27, 2023, and is unlikely to conclude March 1, 2023, at the time of the scheduled initial conference in this matter. The City therefore respectfully requests that the initial conference be adjourned until Tuesday, March 7, 2023 (morning or afternoon), or Wednesday, March 8, 2023 (any time after 1:00 p.m.). The undersigned has conferred with counsel for plaintiff and counsel for NYCH+H, and they are available on both of these alternative dates as well.

Accordingly, the City respectfully requests (1) a 60-day enlargement of time, *nunc pro tunc*, from February 2, 2023, until April 3, 2023, to respond to the complaint in this matter, and (2) an adjournment of the initial conference currently scheduled for March 1, 2023, until March 7 or March 8, 2023.

We thank the Court for its consideration of this application.

Respectfully submitted,

Evan J. Gottstein /s/
Evan J. Gottstein
Assistant Corporation Counsel
Special Federal Litigation Division

cc: *All Counsel of Record (Via ECF)*